

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Adam L. Brado)	Civil Action No. _____
)	
Plaintiff,)	
)	
v.)	NOTICE OF REMOVAL
)	
)	
Rikheem A Lowery and Haverty)	
Furniture Companies, Inc.,)	
Defendants.)	

NOW INTO COURT, through undersigned counsel, comes Defendant Rikheem A. Lowery for the purpose of filing this Notice of Removal pursuant to 28 U.S.C. §1446, and thereby removing this matter from state court to the docket of this Honorable Court. Rikheem A. Lowery respectfully shows as follows:

1. A civil action has been commenced and is now pending in the Court of Common Pleas with the parties named and aligned as stated in the caption of this document. The action is designated there as civil action number 2020-CP-29-01453.
2. This action was commenced on November 2, 2020, when the Summons and Complaint were filed in the Lancaster County Court of Common Pleas. *See Exhibit A.*
3. Defendant Rikheem Lowery was served with the Summons and Complaint on January 15, 2021. *See Exhibit B.* Defendant Rikheem A. Lowery has not been served with any other process, pleadings or orders.
4. The State Court records is attached as Exhibit C.
5. This notice is filed in this Court within thirty (30) days of service of the Summons and Complaint on Defendant Rikheem Lowery.

6. The Defendant files herewith a copy of all process, pleadings, and orders served upon the defendant in this action. See Exhibit C.

DIVERSITY JURISDICTION UNDER 28 U.S.C. §1332

7. For the reasons that follow, Defendant Rikheem A. Lowery hereby removes this case from state court to this Federal Court, based upon the grant of jurisdiction found at 42 U.S.C. §1332 based upon diversity of citizenship.

8. Plaintiff alleges at paragraph 1 of the Complaint that Plaintiff is a citizen and resident of Lancaster, South Carolina.

9. Plaintiff alleges in Paragraph 2 of the Complaint that upon information and belief Defendant Rikheem A. Lowery is a citizen and resident of North Carolina.

10. Plaintiff alleges in Paragraph 3 of the Complaint, that upon information and belief Defendant Haverty Furniture Companies, Inc. (“Hereinafter “Haverty”) is a Foreign Corporation doing business in Lancaster County, South Carolina.

11. Thus, based upon the foregoing, there is complete diversity of citizenship among Plaintiff and Defendants.

12. Plaintiff’s Complaint is seeking actual and punitive damages.

13. Plaintiff has demanded \$250,000.00 prior to litigation. Defendant asserts the amount in controversy exceeds the jurisdictional threshold for diversity jurisdiction.

14. Therefore diversity jurisdiction is proper, and this Court has Subject Matter Jurisdiction.

PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN MET

15. This notice of removal, filed on February 13, 2021, is timely filed. As shown by Exhibit B, Rikheem A. Lowery was served on January 15, 2021. Thus, the filing of this notice of removal is timely.

16. Venue for this removal is proper in the United States District Court for the District of South Carolina, Rock Hill Division, pursuant to 28 U.S.C. §1391, as the original suit is pending within the jurisdictional territory of this Court.

17. As per 28 U.S.C. §1446(a), Defendant Rikheem Lowery has only been served with the Summons and Complaint which is attached Exhibit A. Additionally, the State Court record is attached as Exhibit C.

18. The undersigned, on behalf of Defendant Haverty Furniture Companies, Inc., consents to said removal.

CONCLUSION

WHEREFORE, Defendant Rikheem Lowery prays that this Notice of Removal will be deemed good and sufficient, and that this matter be removed from the Court of Common Pleas, in the Sixth Judicial Circuit for the State of South Carolina, County of Lancaster, to the docket of this Honorable Court.

Respectfully submitted,

Vernis & Bowling of Columbia, LLC

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February 13, 2021